

**United Nations Convention on Jurisdictional Immunities of States
and Their Property**

General Assembly resolution 59/38 of 2 December 2004



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2005

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The General Assembly,

Bearing in mind Article 13, paragraph 1 (a), of the Charter of the United Nations,

Recalling its resolution 32/151 of 19 December 1977, in which it recommended that the International Law Commission take up the study of the law of jurisdictional immunities of States and their property with a view to its progressive development and codification, and its subsequent resolutions 46/55 of 9 December 1991, 49/61 of 9 December 1994, 52/151 of 15 December 1997, 54/101 of 9 December 1999, 55/150 of 12 December 2000, 56/78 of 12 December 2001, 57/16 of 19 November 2002 and 58/74 of 9 December 2003,

Recalling also that the International Law Commission submitted a final set of draft articles, with commentaries, on the law of jurisdictional immunities of States and their property in chapter II of its report on the work of its forty-third session,¹

Recalling further the reports of the open-ended Working Group of the Sixth Committee,² as well as the report of the Working Group on Jurisdictional Immunities of States and Their Property of the International Law Commission,³ submitted in accordance with General Assembly resolution 53/98 of 8 December 1998,

Recalling that in its resolution 55/150 it decided to establish the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property, open also to participation by States members of the specialized agencies, to further the work done, consolidate areas of agreement and resolve outstanding issues with a view to elaborating a generally acceptable instrument based on the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission and also on the discussions of the open-ended Working Group of the Sixth Committee,

Having considered the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property,⁴

Stressing the importance of uniformity and clarity in the law of jurisdictional immunities of States and their property, and emphasizing the role of a convention in this regard,

Noting the broad support for the conclusion of a convention on jurisdictional immunities of States and their property,

Taking into account the statement of the Chairman of the Ad Hoc Committee introducing the report of the Ad Hoc Committee,⁵

1. *Expresses its deep appreciation* to the International Law Commission and the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property for their valuable work on the law of jurisdictional immunities of States and their property;

2. *Agrees* with the general understanding reached in the Ad Hoc Committee that the United Nations Convention on Jurisdictional Immunities of States and Their Property does not cover criminal proceedings;

3. *Adopts* the United Nations Convention on Jurisdictional Immunities of States and Their Property, which is contained in the annex to the present resolution, and requests the Secretary-General as depositary to open it for signature;

¹ *Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10).*

² A/C.6/54/L.12 and A/C.6/55/L.12.

³ *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 10 and corrigenda (A/54/10 and Corr.1 and 2), annex.*

⁴ *Ibid., Fifty-ninth Session, Supplement No. 22 (A/59/22).*

⁵ *Ibid., Fifty-ninth Session, Sixth Committee, 13th meeting (A/C.6/59/SR.13), and corrigendum.*

4. *Invites* States to become parties to the Convention.
